

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2788

1 AN ACT TO REPEAL SECTION 1 OF CHAPTER 437, LAWS OF 2017,
2 WHICH ESTABLISHED A COMMISSION ON PERRY-RICHTON CONSOLIDATED
3 SCHOOL DISTRICT STRUCTURE TO MAKE RECOMMENDATIONS TO THE 2018
4 REGULAR SESSION OF THE LEGISLATURE REGARDING THE METHOD FOR
5 CONSOLIDATING THE COUNTY INTO ONE SCHOOL DISTRICT WITH ONE LOCAL
6 SCHOOL BOARD; TO PROVIDE THAT IN THE PERRY COUNTY AND RICHTON
7 SCHOOL DISTRICTS THERE SHALL BE AN ADMINISTRATIVE CONSOLIDATION
8 INTO ONE SCHOOL DISTRICT TO BE DESIGNATED AS THE PERRY COUNTY
9 SCHOOL DISTRICT EFFECTIVE JULY 1, 2019; TO PROVIDE FOR THE
10 COMPOSITION OF THE BOARD OF EDUCATION OF THE NEW PERRY COUNTY
11 SCHOOL DISTRICT; TO DIRECT THE STATE BOARD OF EDUCATION TO
12 ADMINISTRATIVELY CONSOLIDATE ANY SCHOOL DISTRICT WHICH DOES NOT
13 VOLUNTARILY FOLLOW THE CONSOLIDATION ORDER; TO ABOLISH THE FORMER
14 SCHOOL DISTRICTS FOLLOWING THE ADMINISTRATIVE CONSOLIDATION AND
15 PROVIDE FOR THE TRANSFER OF SCHOOL DISTRICT ASSETS AND
16 LIABILITIES; TO PROVIDE FOR EXECUTION OF TEACHER AND SCHOOL
17 DISTRICT EMPLOYEE CONTRACTS AND THE PREPARATION OF A SCHOOL
18 DISTRICT BUDGET IN THE NEW SCHOOL DISTRICT; TO DIRECT THE STATE
19 BOARD OF EDUCATION TO PROMULGATE REGULATIONS TO IMPLEMENT SUCH
20 ADMINISTRATIVE CONSOLIDATION; TO PROVIDE A TWO-YEAR WAIVER FROM
21 ACCOUNTABILITY AND STATE ASSESSMENT REQUIREMENTS FOR THE NEW
22 STUDENT POPULATION; TO AMEND SECTIONS 37-7-103 AND 37-5-7,
23 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

25 **SECTION 1.** Section 1 of Chapter 437, Laws of 2017, which
26 established a Commission on Perry-Richton Consolidated School
27 District Structure to make recommendations to the 2018 Regular
28 Session of the Legislature regarding the method for consolidating



the county into one school district with one local school board,
is hereby repealed.

SECTION 2. (1) In Perry County, Mississippi, in which are
located, as of January 1, 2017, two (2) school districts, there
shall be an administrative consolidation of those school districts
in the county into one (1) new countywide school district to be
designated as Perry County School District which shall consist of
the territory of the former Perry County School District and the
Richton School District, effective on July 1, 2019. At such time
that the administrative consolidation becomes effective, the
central administrative office of the Perry School District shall
be located in New Augusta, Mississippi.

(2) As soon as practicable after July 1, 2018, the State
Board of Education shall appoint an interim trustee to manage the
transition for the consolidation of the former Perry County School
District and the former Richton School District. The State Board
of Education may, in its discretion, assign an interim trustee to
the school district or may contract with an appropriate private
entity with experience in the academic, finance and other
operational functions of schools and school districts. The
interim trustee shall be responsible for the administration,
management and operation of the school district from July 1, 2018,
until the selection of the new superintendent of schools for the
consolidated Perry County School District by the newly elected
Perry County Board of Education, including, but not limited to,



the following activities: (a) merging the existing budgets with the budget of the new consolidated school district, (b) nonrenewal of central office staff as necessary, (c) construction of a new salary scale for licensed and nonlicensed employees, (d) supplemental duties of school district employees, (e) assist local officials with school tax assessment, (f) assist with the search for a new superintendent, and (g) veto authority over decisions of the former school boards until the new Perry County Board of Education is in place. The County Board of Education and the Superintendent of Education of the former Perry County School District and the local school board and Superintendent of Schools of the Richton School District shall cooperate with the State Department of Education, as soon as practicable after the effective date of this act, for the planning and transition of programs, services and alignment of curriculum for the administratively consolidated school districts.

(3) On July 1, 2018, the State Board of Education shall serve the local school boards of the Perry County School District and the Richton School District with notice and instructions regarding the timetable for action to be taken to comply with the administrative consolidation required in this section. The State Board of Education shall require the administrative consolidation of Perry County School District and the Richton School District on or before July 1, 2019.



(4) In the new Perry County School District, there shall be an Interim County Board of Education elected in a November 2018 special election which shall be called by the Governor for that purpose. The State Board of Education shall declare that the following territory shall be the election districts for the Interim Perry County Board of Education, and members shall be qualified electors residing in that district: (a) three (3) members shall be elected at large from the territory of the former Perry County School District; and (b) two (2) members shall be elected at large from the territory of the former Richton School District. Members elected in the November 2018 special election shall serve terms of one (1) year beginning on January 1, 2019. There shall be a new Perry County Board of Education elected on the first Tuesday after the first Monday in November 2019, at the same time and in the same manner as the statewide general election is held and conducted, for that purpose. The new Perry County Board of Education shall be elected and terms of office established as provided in Section 37-5-7(5). Any school board member of the former school districts residing in the proper territory shall be eligible for election to the new Perry County Board of Education.

(5) The State Board of Education shall declare that the territory embraced by Perry County, Mississippi, shall be the boundary lines for the territory of the new Perry County School District and shall spread a legal description of the new school



103 district on the minutes of its August 2017 meeting and shall serve
104 the applicable school boards and the board of supervisors with an
105 adequate legal description of these new boundaries. Any school
106 district affected by the required administrative consolidation in
107 the county that does not voluntarily consolidate as ordered by the
108 State Board of Education shall be administratively consolidated by
109 the State Board of Education, to be effective immediately upon
110 action of the State Board of Education. The State Board of
111 Education shall promptly move on its own motion to
112 administratively consolidate a school district which does not
113 voluntarily consolidate in order to enable the affected school
114 districts to reasonably accomplish the resulting administrative
115 consolidation into the Perry School District by July 1, 2019,
116 following the motion to consolidate. The affected school
117 districts shall comply with any consolidation order issued by the
118 State Board of Education.

119 (6) The Interim Perry County Board of Education shall
120 conduct a search for a new Superintendent of Schools for the Perry
121 County School District to be selected no later than July 1, 2019,
122 in the manner provided in Section 37-9-13. The position of Perry
123 County Superintendent of Schools shall be an appointive position.
124 The Interim Perry County Board of Education shall also employ
125 central office staff for the Perry County School District no later
126 than July 1, 2019, or as soon thereafter as is practicable.



(7) On January 1, 2019, following the motion of the State Board of Education to consolidate school districts in Perry County and the Richton School Districts, the Perry County and the Richton School Districts and the former school boards of those districts shall be abolished. All real and personal property which is owned or titled in the name of the school district located in such former school districts shall be transferred to the new Perry County School District. The County Board of Education of the new Perry County School District shall be responsible for establishing the contracts for teachers, principals, clerical and administrative staff personnel for the 2019-2020 school year and thereafter. The Superintendent of Education and any assistant superintendent(s) of schools of the former Perry County School District and the Richton School District may continue to serve in like administrative capacities of the new Perry County School District, but in no instance shall the administrative leadership of the new Perry County School District exceed three (3) assistant superintendents. No superintendent serving in a school district designated as an underperforming school district or placed under conservatorship shall be eligible for appointment as a superintendent or assistant superintendent in the new Perry County School District. It shall be the responsibility of the County Board of Education of the new Perry County School District to prepare and approve the budget of the new reorganized district, and the board of education may use the interim trustee appointed



under subsection (2) of this section to prepare the budget. Any proposed order of the State Board of Education directing the transfer of the assets, real or personal property of an affected school district in the county, shall be final and conclusive for the purposes of the transfer of property required by such administrative consolidation.

(8) From and after July 1, 2019, all outstanding debt of the former Perry County School District and the Richton School District shall be assumed by and become the debt of the new Perry County School District. Any debt assumed by the Perry County School District secured by a special ad valorem tax shall become secured by and payable from a mandatory, special ad valorem tax which shall be levied on all taxable property in the applicable former school district by the levying authority of the Perry County School District. It is the intent of the Legislature that any such pledges of the former school districts will remain in effect and that the pledged funds will be available to the new Perry County School District to pay its debt to which the funds are pledged. The Board of Supervisors of Perry County shall be the "levying authority" for the new Perry County School District.

(9) Nothing in this section shall be construed to require the closing of any school or school facility, unless the facility is an unneeded administrative office located within a school district which has been abolished under the provisions of this section. All administrative consolidations under this section



shall be accomplished so as not to delay or in any manner negatively affect the desegregation of another school district in the county pursuant to court order.

(10) The State Board of Education, acting through the new Superintendent of Schools, shall promulgate rules and regulations to facilitate the administrative consolidation of the school districts in Perry County and Richton, Mississippi, pursuant to this section. The consolidated district shall make an election within one (1) year of consolidation concerning the group term life insurance described in Section 25-15-9(7).

(11) For the initial two (2) years following the administrative consolidation required by this section conditioned on approval by the United States Department of Education, the State Department of Education shall grant a waiver of accountability and state assessment requirements to the new Perry County School District for the student population enrolled therein from the former Perry County School District and the Richton School District, when determining the new consolidated school district accreditation level based on the performance and accountability rating model.

SECTION 3. Section 37-7-103, Mississippi Code of 1972, is amended as follows:

37-7-103. From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special



meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district adjoining same, and with the consent of the school board of the school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104, 37-7-104.2, 37-7-104.3, 37-7-104.4, 37-7-104.5, 37-7-104.6, 37-7-104.7 * * *, 37-7-104.8 or Section 2 of this act shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

SECTION 4. Section 37-5-7, Mississippi Code of 1972, is amended as follows:

37-5-7. (1) On the first Tuesday after the first Monday in May, 1954, an election shall be held in each county in this state in the same manner as general state and county elections are held and conducted, which election shall be held for the purpose of electing the county boards of education established under the provisions of this chapter. At such election, the members of the said board from Supervisors Districts * * * 1 and * * * 2 shall be elected for the term expiring on the first Monday of January,



1957; members of the board from Supervisors Districts * * * 3
and * * * 4 shall be elected for a term expiring on the first
Monday of January, 1959; and the member of the board from
Supervisors District * * * 5 shall be elected for a term expiring
on the first Monday of January, 1955. Except as otherwise
provided in subsection (2), all subsequent members of the board
shall be elected for a term of six (6) years at the regular
general election held on the first Monday in November next
preceding the expiration of the term of office of the respective
member or members of such board. All members of the county board
of education as herein constituted, shall take office on the first
Monday of January following the date of their election.

(2) On the first Tuesday after the first Monday in November,
in any year in which any county shall elect to utilize the
authority contained in Section 37-5-1(2), an election shall be
held in each such county in this state for the purpose of electing
the county boards of education in such counties. At said election
the members of the said county board of education from
Districts * * * 1 and * * * 2 shall be elected for a term of four
(4) years, the members from Districts * * * 3 and * * * 4 shall be
elected for a term of six (6) years, and the member from
District * * * 5 shall be elected for a term of two (2) years.
Thereafter, members shall be elected at general elections as
vacancies occur for terms of six (6) years each. All members of



the county board of education shall take office on the first Monday of January following the date of their election.

(3) (a) Current members of the Board of Trustees of the Greenwood Public School District serving on November 1, 2017, shall continue in office as the new County Board of Education of the Greenwood-Leflore School District until their successors are elected as follows:

(i) The two (2) appointed board members of the Greenwood Public School District whose terms are nearest to expiration shall expire on January 1, 2019, and thereafter become permanently elected positions to be filled by persons elected as board members from Supervisors Districts 2 and 3 in a November 2018 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2019, for a term of four (4) years;

(ii) The final two (2) appointed board members of the Greenwood Public School District whose terms are the farthest removed from expiration shall expire on January 1, 2020, and thereafter become permanently elected positions to be filled by persons elected as board members from Supervisors Districts 4 and 5 in a November 2019 election held for that purpose, in the manner prescribed in Section 37-7-203, and the newly elected members will take office on January 1, 2020, for a term of four (4) years; and

(iii) One (1) appointed board member of the Greenwood Public School District whose term is next nearest to



276 expiration shall expire on January 1, 2021, and thereafter become
277 a permanently elected position to be filled by a person elected as
278 a board member from Supervisors District 1 in a November 2020
279 election held for that purpose, in the manner prescribed in
280 Section 37-7-203, and the newly elected members will take office
281 on January 1, 2021, for a term of four (4) years.

282 (b) All subsequent members shall be elected for a term
283 of four (4) years at the regular general election held on the
284 first Monday in November next preceding the expiration of the term
285 of office of the respective members, and shall take office on
286 January 1 next succeeding the election.

287 (4) On the first Tuesday after the first Monday in November
288 2017, an election shall be held in Holmes County for the purpose
289 of electing the county board of education in the new Holmes County
290 Consolidated School District. At the election, the members of the
291 said county board of education shall be elected from single member
292 board of education districts, which shall be consistent with the
293 supervisors district lines in the county, and shall be elected for
294 an initial term of six (6) years. Subsequent elections for the
295 Holmes County Board of Education shall be held on the first
296 Tuesday after the first Monday in November 2023 and every four (4)
297 years thereafter at the same time and manner as other general
298 elections are held, and the member shall be elected for a term of
299 four (4) years. All members of the county board of education in
300 the new Holmes County Consolidated School District shall take



office on the first Monday of January following the date of their election.

(5) On the first Tuesday after the first Monday in November 2023, an election shall be held in Chickasaw County for the purpose of electing the county board of education in the new Chickasaw County School District. The board of supervisors shall declare and designate posts for each member of the new board. At said election, the members of the said county board of education from Posts One and Two shall be elected for a term of four (4) years, the members from Posts Three and Four shall be elected for a term of three (3) years and the member from Post Five shall be elected for a term of two (2) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of four (4) years each. All members of the county board of education in the new Chickasaw County School District shall take office on the first Monday of January following the date of their election.

(6) On the first Tuesday after the first Monday in November 2019, an election shall be held in Perry County for the purpose of electing the county board of education in the new Perry County School District. At said election, the members of the said county board of education from Supervisors Districts One and Two shall be elected for a term of four (4) years, the members from Supervisors Districts Three and Four shall be elected for a term of three (3) years and the member from Supervisors District Five shall be elected for a term of two (2) years. Thereafter, members shall be



326 elected at general elections as vacancies occur for terms of four
327 (4) years each. All members of the county board of education in
328 the new Perry County School District shall take office on the
329 first Monday of January following the date of their election.

330 **SECTION 5.** This act shall take effect and be in force from
331 and after July 1, 2018.

